IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.916 OF 2007

Mr.Sharad Ramchandra Bhoite ..Applicant

Vs.

Union of India and Anr. ..Respondents

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Mr.A.P.Mundargi with Mr.Ganesh Gole Advocate for Applicant
Mrs.A.S.Pai A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 3, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in R.A.No.2 of 2006 of D.R.I., Mumbai. The said case is pending before the learned Addl. Chief Metropolitan Magistrate, 3rd Court, Mumbai.

3. It is the case of the respondent-D.R.I. that the main accused in this case is one Deepak Bajaj. It is further the case of the D.R.I. that the applicant acted on behalf of Deepak Bajaj and the

applicant had physically dealt with the goods and was instrumental in the loading, unloading and dispatch of the goods to different parties which resulted in diversion of duties of duty free goods imported under the advance licences of M/s. Suvidh Overseas. It is further the case of D.R.I. that Rita Bajaj who is the wife of Deepak Bajaj had entered into a bogus agreement with the present applicant in respect of godown wherein the duty free goods were stored.

4. The learned A.P.P. has submitted that the investigation is not over. The learned A.P.P. has further submitted that this case falls under Section 135(1)(1) of the Customs Act, 1962 and as such, it is not a bailable offence. Reliance has been placed on a decision of this Court dated 25.1.2007 passed in Cri.Application No.240 of 2007 wherein bail came to be refused in a similar case as the investigation was going on. I have perused the said decision. In the said case, the accused had been in custody for only a month whereas in the present case, the applicant has been in custody for a period of almost three months. He was arrested on 7.1.2007. Even if the case falls under Section

135(1)(1) of the Customs Act, the punishment provided therein, is imprisonment for a term which may extend to seven years and fine. Looking to all the above facts of this case, I am inclined to grant bail to the applicant.

5. The applicant to be released on bail in the sum of Rs.1,00,000/- (Rs.One lakh only) with one or two sureties to make up the said amount in connection with R.A.No.2 of 2006 of D.R.I Mumbai, which is pending before the learned Addl. Chief Metropolitan Magistrate, 3rd Court, Mumbai. The applicant shall report every day from 11 a.m. to 2 p.m. at the office of D.R.I. U.T.I. Building, Marine Lines, Mumbai for a period of one month. Thereafter, the applicant shall report twice in a week i.e. on every Monday and Friday from 11 a.m. to 2 p.m. to the said office for a period of two months and thereafter as and when required by D.R.I. Office, till conclusion of the trial.

6. Application is disposed of.

[V.K.Tahilramani, J.]